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8 UNITED STATES DISTRICT COURT  
9 WESTERN DISTRICT OF WASHINGTON  
10 AT TACOMA

11 JOHN EDWARD ROACH,

12 Petitioner,

13 v.

14 ELDON VAIL,

15 Respondent.

Case No. C09-5155FDB/JRC

ORDER DIRECTING SERVICE AND  
RETURN OF THE AMENDED § 2254  
PETITION

16 In response to an order, petitioner has amended his petition to name Eldon Vail as a  
17 respondent. Petitioner has also provided service copies (Dkt # 8).

18 (1) The clerk shall arrange for service by certified mail upon respondent and the  
19 Attorney General for the State of Washington, copies of the petition, all documents in support  
20 thereof. All costs of service shall be advanced by the United States. The Clerk shall assemble  
21 the necessary documents to effect service. In addition, the Clerk shall send petitioner a copy of  
22 this Order, along with a copy of the Court's General Order regarding pro se litigation.

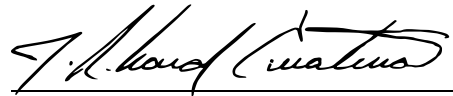
23 (2) Within forty-five (45) days after such service, respondent(s) shall file and serve  
24 an answer in accordance with Rule 5 of the Rules Governing § 2254 Cases in United States  
25 District Courts. As part of such answer, respondent(s) should state whether petitioner has  
26 exhausted available state remedies, whether an evidentiary hearing is necessary, and whether

1 there is any issue of abuse or delay under Rule 9. Respondent shall not file a dispositive motion  
2 in place of an answer without first showing cause as to why an answer is inadequate.

3 Respondent(s) shall file the answer with the Clerk of the Court and serve a copy of the answer  
4 upon petitioner.

5 (3) The answer will be treated in accordance with Local Rule CR 7. Accordingly,  
6 upon receipt of the answer the Clerk will note the matter for consideration on the fourth Friday  
7 after the answer is filed, petitioner may file and serve a response not later than on the Monday  
8 immediately preceding the Friday appointed for consideration of the matter, and respondent may  
9 file and serve a reply brief not later than on the Thursday immediately preceding the Friday  
10 designated for consideration of the matter.

11 DATED this 15<sup>th</sup> day of September, 2009.

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15 J. Richard Creatura  
16 United States Magistrate Judge  
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